

Property program in which we are responsible for the receipt, inventory, storage and disposal of confiscated wildlife property of all types to public scientific and educational institutions throughout the U.S. for scientific and/or educational use.

4. Eagles and eagle parts distributed by the Repository come from various sources throughout the United States. These include Federal and State wildlife biologists, USFWS, Special Agents, State Game Wardens, Federally licensed wildlife rehabilitators, zoos and other Federal land management agencies. The majority of carcasses received are birds found dead and salvaged; some are obtained through law enforcement seizures. Mortalities include electrocution, collisions, emaciation, gun shot wounds, etc.

5. Each carcass is thoroughly evaluated from head to toe. We begin with the head checking for damage and whether it is rotten. We gently tug at the feathers. If they pull out easily, the head is rotten and cannot be used for mounting on a staff which is a major use of the head. Each wing is checked for broken ulna, radius and humerus bones which are used for whistles. Each wing is checked to see if there are 10 usable primary feathers and at least 14 usable secondary feathers. The tail is also, checked for 12 usable tail feathers. Each feather is checked for damage and wear. The plumes which are located under the tail are checked for fullness. Feet and claws are checked for damage and dryness. The Repository does not clean carcasses if they are very bloody and/or bug infested. This is left up to the applicant to follow their own individual processes.

6. Very detailed notes are kept on each carcass. ALL missing and/or damaged feathers are noted. For example: *Log #XXXX, ABE (adult bald eagle), replace 2 right spikes, 4 left secondaries, head rotten, feet dry, replace 4 tail including center, lots of maggots present, etc.* These notes are used when matching birds/parts to applicants. Upon completion of the evaluation, each carcass is bagged in heavy duty plastic bags, tagged and kept frozen in a walk-in freezer until it is matched to an applicant and shipped which can be within a few days. Many times only loose feathers are salvageable from badly decomposed or damaged carcasses. Also, loose feathers are received from zoos and Federally licensed rehabilitators who send molted feathers from captive eagles. Loose feathers are kept in separate bins sorted by species and type of feather (wing, tail, plumes, etc.).

7. The Migratory Bird Permit Office (MBPO) in each USFWS Regional Office receives the first time applications for bald or golden eagle parts and issues the permits to the applicants who meet the legal requirements. At the time the permit is issued, a copy of the approved "Permit Application and Shipping Request" is forwarded to the Repository to be filled. All subsequent Re-orders are submitted directly to the Repository because the requestor has already received a permit for possession of the eagle parts. The request may be for a whole carcass or parts thereof for either bald or golden eagles. No more than one whole eagle or parts equivalent may be requested at one time and applicants may only have one pending request at one time. Requests are maintained and filled by the Repository in order by date of receipt of the completed application by the Regional MBPO (for first time applicants) and by the Repository (for re-orders). Priority may be given to special requests such as cases of terminally ill applicants with appropriate medical documentation. Once a pending request is filled, a re-order may be submitted to the Repository.

There are no application fees and all shipping costs are provided by USFWS.

8. Several options are provided when ordering eagle feathers. Approximately 55% of the orders received by the Repository are for whole eagles. This may be a whole bird intact or parts equivalent to one bird which could be a whole tail, pair of wings, pair of feet, and head. Whole bird orders are filled in approximately 2 ½ - 4½ years. Applicants with needs which do not require a whole bird or tail feathers may apply for a pair of wings which the Repository can fill in one year. The reason for the shorter turn around is the Repository seems to accumulate more usable wings than tails. Also, the tail is usually the part with the most damage due to its use in flight. Even the loose tail feathers seem to be more damaged than wing feathers. There are two loose feather options. Higher quality loose feathers have a limit of 10 feathers per order. A standard higher quality loose feather order usually consists of 2 tail and 8 wing feathers or 10 wing feathers and is filled in approximately 6 months. The second option consists of 20 mixed feathers of varied species, size and type and is of slightly lower quality feathers and filled in 90 days. The quicker turnaround time allows the Repository to utilize the inventory as much as possible.

9. There are currently approximately 1500 pending requests for loose feathers. Average number of loose feather orders per month is 150-200. Due to requests from Native Americans for the need to match and balance feathers as much as possible, high quality loose feather orders are hand-picked, matched as much as possible and balanced, meaning five feathers from the left wing are matched with five feathers from the right wing and tail. The 6 month time frame for filling higher quality loose feathers is predicated on the fact that an applicant obtaining a whole carcass will acquire at least 60 primary feathers (20 primary wing, 28 secondaries, and 12 tail per bird in addition to a head, feet and body feathers.) In applying for the higher quality loose feathers an applicant can receive 20 feathers per year and 60 in 3 years is almost equivalent to a whole bird. This allows the Repository to maintain a fair process.

10. When filling requests we begin with the oldest request and work forward. Prior to shipping an eagle carcass, parts or feathers to applicants, we must first make a telephone contact with the applicant. This is to confirm a correct address and inform them of what is available in the inventory, how their order will be shipped and when to expect its arrival. If we are unable to contact the applicant by telephone or correspondence, the request is kept pending until they contact us and provide updated information. When the Repository is notified with updated information, their request goes back to the top of the list and is filled. Repository staff makes every effort to match a bird, parts or feathers to the request. The applicant may choose a bird which is available or wait for a bird which meets their needs better. The Repository receives more bald eagles than golden eagles, but more golden eagles are requested than bald eagles. This contributes to the waiting period for those applicants choosing to wait for adult or immature golden eagles. If the applicant prefers to wait, we go to the next person in line until all available eagles are exhausted. Birds which come in one week are usually given away for the next week shipment. Most birds do not stay at the Repository more than a week.

11. Preparations for the next shipment of orders begin with a list of compensation parts and feathers needed for replacement. The search begins for specific feathers and parts. The Repository maintains a loose feather and parts inventory including heads, feet, trunks and wing

bones which are acquired from carcasses not usable as whole birds. If the parts inventory cannot support the compensation needed for the shipment, whole birds with a high quantity of replacements are parted to facilitate the shipment. The size of the shipment varies from week to week. Average shipments contain 45-50 orders, but are driven by the supply received from the field and number of successful applicant contacts. All requests are shipped overnight mail at no cost to the applicant. Eagles and parts thereof are double bagged and shipped frozen in a styrofoam lined box with 5 lbs. of gel packs and either shredded paper or peanuts for insulation. A transmittal letter is prepared by the Repository and mailed with the shipment along with copies of the Bald and Golden Eagle Protection Act, 50 CFR parts 13 and 22 and a Q&A sheet on the Eagle Feather Program. Each shipment is tracked and confirmed for delivery. Overnight carrier is Federal Express and Postal Express for very remote areas.

12. In June, 1995, the National Eagle Repository relocated from Ashland, OR to Commerce City, CO. The approximate waiting period for eagles/parts, at that time, was 2 years. As knowledge of the Repository increased, the number of requests also increased. Changes to the program included efforts to increase the quality of carcasses, parts and feathers shipped to applicants. The process was modified to provide replacement parts and feathers for missing or badly damaged parts/feathers.

13. The Repository has utilized a variety of tactics to increase the number of eagles being salvaged and sent to the Repository to help meet the demand. A great deal of outreach has been presented to USFWS field staff, as well as, State Fish and Game departments, the Native American community and the general public. A Q & A brochure was produced to provide information and procedures pertaining to the acquisition of eagles and feathers, as well as, the process to ship salvaged eagles and parts to the Repository. A step by step video was also produced to be used in training with the intent of providing sensitivity to the field USFWS staff and stressing the importance and significance of this resource to Native Americans. Copies of the video were made and provided to all FWS field stations and State Fish and Game Departments. The Repository absorbs the majority of the shipping costs and will provide shipping boxes, as well as, prepaid mailing labels to assist in getting eagles sent in more efficiently and timely.

14. These efforts to increase the number of eagles sent to the Repository did increase the inventory, however, it also increased the number of requests received. Approximately 55% of the requests received are for whole birds, and the remaining 45% is divided between loose feathers and wings. We slowly went from an average wait of 2 years to 2 ½ years to 4 ½ years to fill a request for a whole bird carcass (2 ½ years for bald eagles; 4 ½ years for golden eagles). The majority of our requests are for golden eagles and the majority of eagles received are bald eagles. Some people will take a bald eagle, but many choose to wait for the golden to come in extending their waiting time. As of 04/11/2012, there are over 6,000 pending requests. Detailed statistics underlining this evolution are set forth in the attached report.


15. The Repository has filled requests for eagles for non-religious purposes on five occasions since June 1995. It did so pursuant to Director's Order No. 69, dated March 30, 1994. Director's Order No. 69 requires that eagles will be issued from the Repository only for religious purposes of Indians until those needs have been met. However, the Regional Director may

authorize deviations from this policy "for important resources needs" on a case-by-case basis. A true and correct copy of that Order is attached to this Affidavit as Attachment A hereto along with true and correct copies of the five amendments made to that Order essentially extending its effective date. The authorized deviations are as follows:

- (a) One adult bald eagle was shipped on August 28, 1997, to the U.S. Fish and Wildlife Service, Backbay National Wildlife Refuge, Virginia Beach, VA, for display purposes;
- (b) One bald eagle eaglet was shipped on August 28, 1997, to the Iroquois National Wildlife Refuge, Alabama, New York, for display purposes;
- (c) five bald eagles and six golden eagles were shipped September 22, 1997, to the University of California, c/o the Federal Law Enforcement Training Center in Glynco, Georgia, for U.S. Fish and Wildlife Service law enforcement training purposes;
- (d) One adult golden eagle was shipped January 21, 1998, to Lewis and Clark Interpretive Center, Great Falls, Montana, for display purposes;
- (e) Six sets of eagle flight feathers (10 primaries, 14 secondaries, 12 tails per set), consisting of one set each of adult, subadult, and immature bald eagles, and one set each of adult, subadult and immature golden eagles, were shipped June 6, 1998, to the Federal Law Enforcement Training Center, Glynco, Georgia, for U.S. Fish and Wildlife Service law enforcement training purposes.
- (f) Twelve immature bald eagle tail feathers and 12 adult bald eagle tail feathers were shipped July 19, 2005 to USFWS, Office of Law Enforcement, Nashville, TN for investigative purposes.

Pursuant to 28 U.S.C. § 1746 I declare under penalty of perjury that the foregoing is true and correct.

Executed on 5-4, 2012, at 1:40pm MST


Bernadette Atencio

NATIONAL EAGLE REPOSITORY REPORT FY2004-2011

FY	WHOLE EAGLES & EAGLE PARTS RECEIVED				WHOLE EAGLE ORDERS FILLED	EAGLE FEATHER & PARTS ORDERS FILLED	COMBINED FILLED ORDERS
	BALD	GOLDEN	REGION TOTALS		BALD/GOLDEN	BALD/GOLDEN	
FY2004	1209	613	1822		1,238	613	1,851
FY2005	1036	428	1464		951	854	1,805
FY2006	1225	482	1707		1,094	1,143	2,237
FY2007	1362	500	1862		1,086	1,283	2,369
FY2008	1480	493	1973		1,151	1,563	2,714
FY2009	1335	503	1838		1,058	2,212	3,270
FY2010	1665	671	2336		1,276	2,625	3,901
FY2011	1786	557	2343		1,231	2,884	4,115
SPECIES/REGION TOTALS	11,098	4,247	15,345				
CATEGORY TOTALS					9,085	13,177	22,262
TOTAL RECEIPTS/FILLED ORDERS	15,345				22,262		
	NEW REQUESTS RECEIVED						
	BALD EAGLES	5,162					
	GOLDEN EAGLES	9,976					
	EITHER SPECIES	7,774					
	TOTAL	22,912					